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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HARMEET K. DHILLON,

Case No. 13-cv-01465 SI

Plaintiff,

**DECLARATION OF COLIN HUSSEY
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION BY
DEFENDANT DOE 1 FOR
JUDGMENT ON THE PLEADINGS
PURSUANT TO FRCP 12(C) OR FOR
SUMMARY JUDGMENT**

DOE 1, et al.,

Defendants.

Date: February 28, 2014
Time: 9:00 a.m.
Courtroom 10, 19th Floor
Hon. Susan Illston

I, Colin Hussey, declare:

1. I am a photographer who does business in San Francisco, California. I have personal knowledge of the matters set forth herein and if called as a witness could and would

1 competently testify thereto. As to those matters stated on information and belief, I believe them
2 to be true.

3 2. In or around March 2008, Harmeet K. Dhillon commissioned me to take
4 photographs of her in connection with her candidacy for Member of the State Assembly, District
5 13. It was my understanding that the photographs I took would be used by Ms. Dhillon in
6 connection with her political activities and professional marketing efforts.

7 3. In connection with this assignment, I created photographs of Ms. Dhillon,
8 including the headshot photograph (“Headshot Photograph”) that I am informed and believe was
9 published on the website www.mungergames.net in February 2013. I transferred all rights, title
10 and interest in and to the photographs to Ms. Dhillon.

12 4. The purpose of this declaration is to describe the creative process I used in
13 creating the Headshot Photograph for Ms. Dhillon in 2008. All of the following decisions were
14 made by me for the purpose of creating a photograph of Ms. Dhillon that was aesthetically
15 pleasing, would allow her intended audience to easily identify her, and would convey a message
16 of professionalism, intelligence and compassion.

17 5. I chose Union Square, San Francisco as the venue for the Headshot Photograph
18 because it was the most presentable outdoor location in the neighborhood of Ms. Dhillon’s
19 office.

20 6. I specifically chose to frame Ms. Dhillon against the speckled grey steps of Union
21 Square in order to set off her features and highlight her face.

22 7. I instructed Ms. Dhillon to pose so that her face was at an angle, rather than
23 directly facing the camera, because like most subjects, one side of her face looks better than the
24 other. I also chose this pose to ensure that Ms. Dhillon was not squinting into the sun.

25 8. I arranged Ms. Dhillon so that she was directly facing the sun. This allowed the
26 light to reflect directly off of her face and prevent shadows from obscuring her features.
27

9. I framed the shot in such a way so that I could crop it in a couple of ways, and also extract the subject for compositing variations in the background.

10. I instructed Ms. Dhillon to smile in order to convey a message of approachability and trustworthiness to her intended audiences.

11. After taking the photographs, I spent approximately 1.5 hours editing and retouching the Headshot Photograph in order to achieve the desired result. Specifically, in addition to some retouching on the face, I extracted or separated the subject from the background, so as to be able to change backgrounds as needed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at the date set forth below in San Francisco, California.

Date: January 24, 2014


Colin Hussey

Colin Hussey